

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE E. HAGGERTY,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:21-cv-01248-DJC-AC

ORDER

Pending before the Court is Defendants' request for an extension to file their pretrial statement until fourteen days after Plaintiff submits his pretrial statement. (ECF No. 59). Pursuant to the Scheduling Order issued on October 3, 2024, Plaintiff was ordered to file and serve a pretrial statement on or before March 20, 2025, and Defendants were ordered to file their pretrial statement on or before April 3, 2025. (ECF No. 54.) However, as of the date of this Order, Plaintiff has not filed his pretrial statement.

The district court has broad discretion in supervising the pretrial phase of litigation. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) (citation omitted). Under Rule 16(b), "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be

1 modified if it cannot be reasonably met despite the diligence of the party seeking the
2 extension." *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir.
3 2002) (citation and quotation marks omitted).

4 The Court finds good cause exists here as Plaintiff has yet to file his pretrial
5 statement. Thus, the Court GRANTS Defendants' request for an extension to file the
6 pretrial statement on or by April 7, 2025. The Court will address the Plaintiff's failure
7 to file a pretrial statement at the final pretrial conference. Defendants are further
8 GRANTED leave to amend their statement following Plaintiff's submission to review
9 and, if necessary, address matters raised in Plaintiff's pretrial statement.

10 Accordingly, IT IS HEREBY ORDERED that Defendants' request for an extension
11 is GRANTED to file the pretrial statement on or before **April 7, 2025**, with leave to
12 amend.

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14 IT IS SO ORDERED.

15 Dated: **April 1, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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